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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Etienne ANNIC et al.

Serial No.: 10/517,860

Filed: December 14, 2004

For: System and Method of Managing
Communication Network-Dedicated Architecture
on a Terminal

Examiner: Iqbal, K.

Group Art: 2617

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Alphonse A. Collins

Name of applicant, assignee or Registered Representative

Signature

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P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicant requests a panel review of the Issues on Appeal in the above-referenced application. The present request is filed concurrently with a Notice of Appeal and is filed before an Appeal Brief. No amendments are being filed with this request.

The review is requested for the reasons set forth on the following pages.

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Claims 1-6 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Publication No. 2004/0166843 (“*Hahn*”). Claims 1-6 also stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Publication No. 2002/0110097 (“*Sugirtharaj*”). For the following reasons, reconsideration and withdrawal of the rejections are requested.

Independent claim 1 recites that “a non-unique address via the associated addressing scheme from each of said networks connected to the terminal (10)” is received. Independent claim 6 recites the step of “independently managing a plurality of said communications networks after receiving a non-unique address from each of said networks connected to said terminal”. *Hahn* and *Sugirtharaj* fail to teach or suggest a system and method including a mobile terminal that is modified to operate with multiple data communications networks and multiple different addresses or a non-unique address, as defined and recited in independent claims 1 and 6.

With reference to FIG. 1 of *Hahn*, the mobile terminal (MT) accesses several services over one packet data network (i.e., the Internet) via at least two mobile radio networks (2, 3), where the 1st mobile radio network (2) represents an “overlay” network for the 2nd mobile radio network (3) to use one or more functions of the 1st mobile network (2) for the 2nd mobile network (3). In this manner, the subscribers who have access to the 1st mobile network (2) are able to use the services on the 2nd mobile network (3), such as a roaming function. The registration process of authentication and authorization of a subscriber can be performed for the 2nd mobile network (3) via the 1st mobile network (2) by comparing the subscriber IP address of the subscriber and checking for the presence of a corresponding PDP Context in the 1st mobile network (2) to connect the subscriber to “the same unique packet data network”, i.e., the Internet.

Hahn (paragraph [0021], lines 1-7) describes that “the entire connection from a mobile terminal (MT) to a GGSN in the 2G/3G mobile radio network, including the connection via the WLAN, can be implemented as an extension to the GPRS secondary PDP context”. *Hahn* (paragraph [0021], lines 7-10) further describes that “this is regarded as being the capability of a mobile terminal to set up two or more connections to the GGSN using one IP address”. *Hahn* thus teaches that the connection of the MT can be implemented as an extension to a secondary PDP Context of the 1st mobile network (2) with “the same unique IP address” corresponding to “the same unique packet data network”, i.e., the Internet, and that the MT is capable of setting up several connections to a unique GGSN (in a mobile network) “using one unique IP address” with secondary PDP Contexts.

Hahn (paragraph [0043], lines 1-7) states that “the mobile terminal 7 can set up further secondary PDP contexts for the same IP address in order, for example, to reserve bandwidth, particularly at the radio interface, for specific services”. However, *Hahn* does not teach that the MT (7) establishes additional secondary PDP Contexts for multiple non-unique IP addresses in order to reserve the bandwidth for specific services.

Hahn (paragraph [0044]) teaches a variation of the system described in paragraph [0043], where “[t]he mobile terminal 7 is registered in the 2G/3G mobile radio network 2 and has set up at least one PDP context to an Internet service provider 8, from whose address book it receives an IP address (in the following text: IP-mt)”. *Hahn* (paragraph [0044], lines 11-14) also describes that “[t]he mobile terminal 7 can set up further secondary PDP contexts for the same IP address in order, for example, to reserve bandwidth, in particular at the radio interface, for specific services”.

Lastly, *Hahn* (paragraph [0044], lines 16-24) describes that “[t]he mobile terminal 7 identifies the presence of a second alternative mobile radio network 3, and decides to use it. To do this, it sets up a connection to the LMA 5, from which it receives an IP address. The mobile terminal 7 signals to a packet distributor 9 and/or to the home agent 9 in the GGSN 4 that it wishes to provide the Internet service for its IP-mt via the LMA 5. This may be done both via the 2G/3G mobile radio network 2 and via the WLAN 3”.

Hahn thus teaches that the MT is registered in the 1st mobile network (2) and sets up one PDP Context to an Internet service provider (8), from whose address book it receives an IP address (IP-mt), and that the MT can set up additional secondary PDP Contexts for “the same IP address”. The MT identifies the presence of a 2nd mobile network (3) and decides to utilize the 2nd network, and a PDP context is provided to the Internet service for its “IP-mt” to accomplish use of the 2nd network such that the MT and “its unique IP-mt address” may be authenticated and authorized to use a desired service. *Hahn* thus clearly and repeatedly describes the use of a unique or single IP address. The claimed invention, in contrast, implements a non-unique address scheme.

Sugirtharaj (paragraphs [0019] thru [0021]), on the other hand, describes the use of multiple data transmission paths for providing a larger bandwidth capacity in a single mobile network. In a first mobile network, a multi-path context controller (MCA) determines whether the required bandwidth exceeds the bandwidth capacity of a first data transmission path and

separates the packets into two streams which are sent to the MCA in the mobile station (MS) or MT. A secondary PDP context is activated in the mobile network for delivering a new data stream to the MS or MT, and the MCA can set up multiple data streams based on the signal quality. This functionality and the possibility of operating with several secondary PDP Contexts within the same communications network is described at paragraphs [0046] thru [0048] of Applicants' published application No. 2005/0250480. However, there is no teaching in *Sugirtharaj* with respect to a non-unique addressing scheme as implemented in the independent claims of the instant application, i.e., independent claims 1 and 6.

An important characteristic of the claimed invention is the possibility or ability to work with several addresses or a non-unique address via the associated addressing scheme as defined by claims 1 and 6. The ETSI standard requires that the same terminal has to be connected simultaneously with several communications networks. This standard is described at paragraph [0014] of the instant publication. However, the ETSI standard fails to provide a way to accomplish such a result. Paragraphs [0014] thru [0017] of the instant publication explain that a network sends an address to a terminal. Paragraph [0019] of the instant publication further describes an addressing problem associated with the reception of two (or more) identical addresses (i.e. non-unique addresses). In the claimed invention, each network interface is associated with one address that originates from one specific network. This concept is described at paragraphs [0068] thru [0070] of the instant publication (see "only one address"). Without the advantages provided by the claimed invention, a "normal" terminal can only work with a unique addressing scheme having different addresses so as not to violate the principle of unique addressing (see, for example, paragraphs [0071] to [0072] of the instant publication). As described at paragraph [0073] of the instant publication, the claimed invention permits a terminal to operate if it receives an identical address and addressing scheme because as, described at paragraph [0073], the terminal can receive two identical addresses, i.e., non-unique addresses.

This characteristic and the configuration of a mobile terminal to advantageously function with several communications networks are neither explained nor described in the *Hahn* or *Sugirtharaj* publications. *Hahn* and *Sugirtharaj* each fail to provide any explanation whatsoever with respect to the management of addresses of different communications networks that are received when a mobile terminal is simultaneously connected with several communications networks. In particular, *Hahn* and *Sugirtharaj* are silent with respect to the problem of receiving


an identical address (i.e., a non-unique address) from two different communications networks, both of which are operating with the same addressing scheme.

In view of the foregoing, independent claims 1 and 6 are respectfully deemed not anticipated by *Hahn* and *Sugirtharaj*. Reconsideration and withdrawal of the rejection of claims 1 and 6 under 35 U.S.C. §102 are accordingly believed to be in order, and early notice to that effect is solicited.

In view of the patentability of independent claim 1 for at least the reasons presented above, each of dependent claims 2-5 is believed to be patentable therewith over the prior art. Moreover, each of claims 2-5 includes features which serve to even more clearly patentably distinguish the present invention over the cited references.

Applicants respectfully submit that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By 
Alphonso A. Collins
Reg. No. 43,559
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

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